

ORDINANCE NO. 17318-12-2006

AN ORDINANCE TO REVOKE THE PRIVILEGE GRANTED TO JET-TAXI, INC. TO USE THE STREETS, ALLEYS AND PUBLIC THOROUGHFARES OF THE CITY OF FORT WORTH IN ACCORDANCE WITH ARTICLE VI, CHAPTER 34, SECTION 220 OF THE CODE OF THE CITY OF FORT WORTH; PROVIDING A SEVERABILITY CLAUSE; MAKING THIS ORDINANCE CUMULATIVE OF ALL ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 22, 2005, the City Council approved Ordinance #16299 (M&C G-14685) granting privilege to Jet-Taxi, Inc., to operate ten (10) limousines upon the city streets, alleys and thoroughfares subject to Jet-Taxi, Inc.'s., compliance with all requirements of Article VI, Chapter 34, of the Code of the City of Fort Worth (1986), as amended ("City Code"); and

WHEREAS, City Code Section 34-220 requires the grant of privilege holder to maintain a specified amount and character of insurance coverage for vehicles for hire for continued operation under the grant; and

WHEREAS, on or about August 17, 2006 the City notified that Jet-Taxi, Inc., regarding non-compliance with Section 34-220 of the City Code; and

WHEREAS, pursuant to City Code Section 34-207(c), notice was properly given and a hearing was held on November 8, 2006 affording Jet-Taxi, Inc., the opportunity to disprove any and all charges and allegations set out in the notice. Although notification of the revocation hearing was sent by certified mail, pursuant to Section 34-207 (c) of the City Code, Jet-Taxi, Inc. representatives did not appear to disprove any and all allegations. The Hearing Officer found that Jet-Taxi, Inc., failed to show proof of liability insurance coverage since August 15, 2006, which is necessary to conduct business and render services to the public in the city of Fort Worth pursuant to Chapter 34 of the City Code; and

WHEREAS, Article VI, Chapter 34, Section 34-207(b) of the City Code authorizes the City Council to revoke the grant of privilege if the holder of the privilege reaches a condition

which the City Council does not deem the holder able to pay in full reasonable claims for damages which might be legally established and confirmed, or if for good and sufficient reason, the general welfare of the citizens or the best interests of the city will be best served by such action.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

That Jet-Taxi, Inc's. ("Company") privilege to use the present and future streets, alleys and public thoroughfares of the City of Fort Worth, Texas, in its business of providing public shuttle service within the said City's municipal limits is hereby revoked, and the Company shall immediately cease operation of its ten (10) limousines upon city streets.

SECTION 2.

That this revocation shall render the grant of privilege completely null and void and of no further force and effect, and the Company shall be prohibited from applying for a grant of privilege for two (2) years.

SECTION 3.

That the findings and recitations contained in the preamble hereof are expressly incorporated into and made a part of this ordinance as the findings of the City Council.

SECTION 4

That the provisions of this ordinance shall be and are hereby declared to be cumulative of all provisions of the Code of the City of Fort Worth, Texas (1986), as amended, with respect to the regulation and operation of public shuttle service within the City's municipal limits, and, in the event of conflict between the provisions of this ordinance and such Code, the provisions of the City Code shall govern and prevail.

SECTION 5.

This ordinance shall be in full force and effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:


ASSISTANT CITY ATTORNEY

DATE: _____

ADOPTED: December 19, 2006

EFFECTIVE: December 19, 2006

City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 12/19/2006 - Ordinance No. 17318-12-2006

DATE: Tuesday, December 19, 2006

LOG NAME: 38JET-TAXI

REFERENCE NO.: **G-15537

SUBJECT:

Consideration of Revocation of the Grant of Privilege Granted to Jet-Taxi, Inc., for Non-Compliance with Article VI, Chapter 34, Section 220 of the Code of the City of Fort Worth (1986) as Amended and Adopt the Attached Ordinance

RECOMMENDATION:

It is recommended that the City Council:

1. Consider and adopt the findings and opinions of the City staff as presented herein; and
2. Adopt the attached ordinance to revoke the grant of privilege granted to Jet-Taxi, Inc., for failure to maintain in force a certificate of liability insurance coverage for vehicles for hire as required by Article VI, Chapter 34, Section 220 of the Code of the City of Fort Worth (1986) as amended.

DISCUSSION:

On February 22, 2005, (M&C G-14685) the City Council approved Ordinance No. 16299 authorizing the grant of privilege to Jet-Taxi, Inc., to operate 10 limousines upon the city streets, alleys and thoroughfares, subject to Jet-Taxi, Inc. compliance with all requirements of Article VI, Chapter 34, of the Code of the City of Fort Worth (1986) as amended.

On August 17, 2006, correspondence was sent to Jet-Taxi, Inc., regarding non-compliance with Section 34-220 of the City Code. The Fort Worth Ground Transportation Coordinator requested a hearing on the matter of revocation of the Jet-Taxi, Inc., grant of privilege for failure to maintain in force a certificate of liability coverage during the authorized period of its grant of privilege, as required by Section 34-220 of the City Code.

A hearing was held on November 8, 2006, before the City's Hearing Officer. Although notification of the revocation hearing was sent by certified mail, pursuant to Section 34-207 (c) of the City Code, Jet-Taxi, Inc. representatives did not appear to disprove any and all allegations. Based on evidence presented by the Ground Transportation Coordinator, the Hearing Officer found Jet-Taxi, Inc., failed to show proof of liability insurance coverage since August 15, 2006, as required by Section 34-220. It is the Hearing Officer's findings, based on the foregoing facts and provisions of the applicable sections of the City Code, that there is sufficient cause for revocation of the grant of privilege, and authorizes the motion to revoke the Jet-Taxi, Inc., grant of privilege.

The City Council may revoke the grant of privilege made to Jet-Taxi, Inc., under the provisions of Section 34-207(b) of the City Code. In event of revocation, the grant shall be thereafter completely null and void and of no further force and effect. Revocation of a holder's grant of privilege shall be in full force for two years.

It is therefore recommended, that the City Council authorize revocation of the grant of privilege granted to Jet-Taxi, Inc., on February 22, 2005, requiring Jet-Taxi, Inc., to immediately cease operation of its 10

limousines upon city streets, alleys and thoroughfares.

FISCAL INFORMATION/CERTIFICATION:

The Finance Director certifies that this action will have no material effect on City funds.

<u>TO Fund/Account/Centers</u>	<u>FROM Fund/Account/Centers</u>
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<u>Submitted for City Manager's Office by:</u>	Karen Montgomery (6222)
<u>Originating Department Head:</u>	Elsa Paniagua (6711)
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